

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA  
and THE STATE OF MICHIGAN,

Plaintiffs,

CASE No. 1:19-CV-1041

v.

HON. ROBERT J. JONKER

NCR CORPORATION,

Defendant, and

GEORGIA-PACIFIC LLC,  
GEORGIA-PACIFIC CONSUMER  
PRODUCTS LP, INTERNATIONAL  
PAPER COMPANY, and  
WEYERHAEUSER COMPANY,

Intervenors.

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**ORDER AUTHORIZING WITHDRAWAL AND DISBURSEMENT OF  
SETTLEMENT PROCEEDS FROM COURT REGISTRY ACCOUNT**

NCR Corporation (“NCR”) has paid \$16,980,857.34 into the Court Registry Investment System (“CRIS”), as prescribed by the Consent Decree in this action that was lodged with the Court and entered on December 20, 2020. (ECF No. 37, PageID.667-71).

The United States has now filed an unopposed Motion asking the Court to authorize the disbursement of the NCR settlement payment (plus accrued interest) to the United States and the State of Michigan (the “State”). Objections were due no later than February 18, 2021 (ECF No. 43) and none were received. The Court will accordingly adopt the parties’ proposed order with one minor change to paragraph 5 as set out below.

**NOW, THEREFORE**, in light of the United States' Motion, and good cause appearing,  
**IT IS HEREBY ORDERED:**

1. In accordance with the Court's order authorizing deposit of the funds into the CRIS, the \$16,980,857.34 that was paid into the Court Registry Account (and all accrued interest on that deposit) shall be disbursed to the United States and the State of Michigan after entry of this Order, as follows:

- a. \$13,680.857.34 plus interest on that amount from the Court Registry funds to the United States; and
- b. \$3,300,000 plus interest on that amount from the Court Registry funds to be paid to the State.

2. For the amount disbursed to the United States under Subparagraph 1.a, the United States shall ensure that the total amount is allocated such that: (i) \$1,500,000 (plus all accrued interest on that portion of the total) shall be deposited in the Site-wide Special Account for the United States' response costs to be retained and used to conduct or finance response actions at or in connection with the Site, or to be transferred by EPA to the EPA Hazardous Substance Superfund; (ii) \$2,000,000 (plus all accrued interest on that amount) shall be deposited in the U.S. Department of the Interior's ("DOI") Natural Resource Damages Assessment and Restoration Fund ("NRDAR Fund"), to defray natural resource damage assessment costs; and (iii) \$10,180,857.34 (plus all accrued interest on that portion of the total) shall be deposited in a Site-specific sub-account within the NRDAR Fund, to be managed by DOI for the joint benefit and use of the Trustees to pay for Natural Resource Damages restoration projects jointly selected by the Trustees and for costs associated with such projects, including but not limited to planning, designing, overseeing, monitoring, and maintaining such projects.

3. For the amount disbursed to the State of Michigan under Subparagraph 1.b, the State shall ensure that the total amount is deposited in a State's Environmental Response Fund, settlement ID RRD50118.

4. The United States and the State shall provide the Clerk's Office payment instructions to facilitate the CRIS account disbursement.

5. Pursuant to 28 U.S.C. § 1914(b), the Judicial Conference Schedule of Fees, and the Court's order authorizing deposit of the funds into the CRIS, no fees shall be charged to the United States for the services rendered in conjunction with the use of a Court Registry Account.

6. The Unopposed Motion to Withdraw Funds (ECF No. 41) is **GRANTED** to the extent set out in this Order.

**IT IS SO ORDERED.**

Dated: February 19, 2021

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE